

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

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BABY DOE, A CITIZEN OF AFGHANISTAN :
CURRENTLY RESIDING IN NORTH :
CAROLINA, BY AND THROUGH NEXT : CIVIL ACTION NO. 3:22-CV-49
FRIENDS, JOHN AND JANE DOE;AND JOHN :
AND JANE DOE, CITIZENS OF AFGHANISTAN :
AND LEGAL GUARDIANS OF BABY DOE, :
:
Plaintiffs, :
:
v. :
:
JOSHUA MAST, STEPHANIE MAST, RICHARD :
MAST, KIMBERLEY MOTLEY, AND AHMAD :
OSMANI, :
:
Defendants, :
:
and :
:
UNITED STATES SECRETARY OF STATE :
ANTONY BLINKEN AND UNITED STATES :
SECRETARY OF DEFENSE GENERAL :
LLOYD AUSTIN, :
:
Nominal Defendants. :
:
----- X

**PLAINTIFFS' MOTION FOR LEAVE TO FILE RESPONSE IN OPPOSITION TO
DEFENDANT RICHARD MAST'S RESPONSE IN SUPPORT OF MOTION TO STAY
DISCOVERY, AND SUR-REPLY IN OPPOSITION TO DEFENDANTS JOSHUA MAST
AND STEPHANIE MAST'S MOTION TO STAY DISCOVERY**

Pursuant to Local Rule 11(c), Plaintiffs respectfully move for leave to submit the attached Response in Opposition to Defendant Richard Mast's Response in Support of Motion to Stay Discovery (ECF No. 251) and Sur-Reply in Opposition to Defendant Joshua Mast and Stephanie Mast's Motion to Stay Discovery (ECF No. 259).

“The standard for granting a leave to file a sur-reply is whether the party making the motion would be unable to contest matters presented to the court for the first time in the opposing party’s reply.” *Vandelinde v. Priority Auto. Roanoke, Inc.*, 2021 U.S. Dist. LEXIS 53820, at *16, No. 7:20-cv-00330, (quoting *United States v. Sum of \$70,990,605*, 991 F. Supp. 2d 144, 153 (D.D.C. 2013) (quoting *Lewis v. Rumsfeld*, 154 F.Supp.2d 56, 61 (D.D.C. 2001))). Plaintiffs satisfy this standard here because, in their Reply, Defendants Joshua Mast and Stephanie Mast make inaccurate representations about the circuit court proceeding to which Plaintiffs cannot otherwise respond. In addition, both Joshua Mast, Stephanie Mast and Richard Mast make arguments that contradict positions they recently took in the Virginia Court of Appeals.

For these reasons, Plaintiffs respectfully request leave to file the attached Response in Opposition to Defendant Richard Mast’s Response in Support of Motion to Stay Discovery and Sur-Reply in Opposition to Defendant Joshua Mast and Stephanie Mast’s Motion to Stay Discovery.

July 25, 2023

Respectfully submitted,

/s/ Maya Eckstein

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CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of July 2023, I filed the foregoing with the Court's electronic case-filing system, thereby serving all counsel of record in this case.

By: /s/ Maya Eckstein
Maya M. Eckstein (VSB No. 41413)